

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**NANCY DUVALL**

**PLAINTIFF**

**CASE NO. 05-5001**

**CITY OF ROGERS, ARKANSAS**

**DEFENDANT**

**JUDGMENT**

Now on this 25th day of January, 2006, comes on for consideration the above-captioned case, and the Court, being well and sufficiently advised, finds and orders as follows:

The Court, having previously granted summary judgment in favor of the Plaintiff's claims for violation of her rights to due process, scheduled a trial for the remaining counts in the Plaintiffs case and for a determination of the damages owed to the Plaintiff under the due process claim.

On January 17, 2006, the Defendant provided counsel for the Plaintiff and the Court a letter waiving its right to appeal the summary judgment. Relying on the Defendants' waiver, the Plaintiff voluntarily dismissed all counts alleged in her complaint, except the due process claim for which the jury would determine damages and her claim of promissory estoppel.

On January 17, 18, and 19, 2006, this cause came on to be heard, the Plaintiff appearing in person and by her attorneys Tim Hutchinson and James Roe of Williams & Hutchinson, LLP, and the Defendant appearing by its attorneys Ben Lipscomb and Chris Griffen.

Plaintiff's cause was tried to a twelve person jury.

At the conclusion of the case the jury, having heard all of the evidence, the instructions of the Court, and the arguments of counsel, retired to consider its verdict and returned into open court a unanimous verdict assessing damages on the due process claim in the amount of forty five thousand seven hundred fifty dollars (\$45,750.00) in actual damage to the structure and four thousand five hundred dollars (\$4,500.00) in damages based on the Plaintiff's loss of use of the property.

The jury found in favor of the Defendant on the Plaintiff's claim of promissory estoppel.

IT IS THEREFORE ORDERED AND ADJUDGED that Judgment be, and it hereby is, granted in favor of the Plaintiff, Nancy Duvall, against the Defendant, City of Rogers, Arkansas, in the sum of fifty thousand two hundred fifty dollars (\$50,250.00), with interest thereon from the date of judgment until paid at the rate of 4.43% per annum, for all of which execution may issue.

IT IS FURTHER ORDERED that the Plaintiff has filed a Petition seeking attorney fees and pre-judgment interest. Defendant shall have fourteen days from the entry of this Judgment to file any objection to the Plaintiff's Motion for attorney fees and pre-judgment interest.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE